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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,786	06/26/2003	Masaru Aiso	393032038400	5216
7590	08/27/2007			EXAMINER
David L. Fehrman Morrison & Foerster LLP 35th Floor 555 W. 5th Street Los Angeles, CA 90013				TRAN, CON P
			ART UNIT	PAPER NUMBER
			2615	
				MAIL DATE
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			08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/608,786	AISO ET AL.	
	Examiner Con P. Tran	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 May 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) 3 and 4 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:

Claim 1, lines 3-4 state "can be driven" is deemed not a positive limitation but only requires the ability to be performed;

Claim 1, lines 7-8 state "can be driven" is deemed not a positive limitation but only requires the ability to be performed. For purpose of examination, examiner interprets this limitation as "is driven".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Basel U.S. Patent 6,341,166 in view of Power et al. U.S. Patent 6,839,441, (hereinafter, "Power").

Regarding claim 1, Basel teaches an apparatus for volume control devices (see Figs. 2, 3, and respective portions of the specification), comprising:

a first volume control device and a second volume control device which correspond to source correction equalization unit (240, Fig. 2, 3). The source correction equalization unit (240) provides equalization correction to current source medium (302) in order to maintain desired spectral balance of reference source medium (202; see col. 5, lines 26-43);

a position control device which corresponds to control interface for changing from source (202, Fig. 2) to (302, Fig. 3; see col. 4, lines 11-27);

a controller which corresponds to power spectrum analyzer 210, reference spectral balance data memory (212), current source spectral balance data memory (214), compute unit (220), spectral balance correction data memory (232, see Figs. 2, 3) for setting spectral balance correction data in spectral balance correction data memory (232) to maintain desired spectral balance of reference source medium (see col. 5, lines 15-43).

However, Basel does not explicitly disclose: an operation position of a first volume control device is driven automatically; and an operation position of a second volume control device is driven automatically.

Power discloses a sound mixing system (see Figs. 2, 3, 4) comprising: motorized faders (11, Fig. 3; col. 5, lines 5-16) in input channel control; motorized control knobs in master control section (Fig. 4; col. 6, lines 11-22, lines 48-53).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the sound mixing system taught by Power with the drive apparatus of Basel such that an operation position of a first volume control device is driven automatically; and an operation position of a second volume control device is driven automatically as claimed for purpose of moving quickly to positions corresponding to the current circuit parameters, as suggested by Power in column 3, lines 45-46.

Regarding **claim 2**, Basel, as modified, further teaches the drive apparatus for volume control devices according to claim 1, wherein source correction equalization unit (240, Fig. 2, 3) including a plurality of the second volume control devices to maintain desired spectral balance of reference source medium (see col. 1, lines 12-34).

***Allowable Subject Matter***

4. **Claims 3-4** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art of record fails to teach or suggest an assigner for assigning a plurality of audio signals corresponding to arbitrary ones of the second volume control devices to the first volume control device.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY 272-7848

cpt CPJ  
August 17, 2007